

Wisconsin Ethics Commission

For candidates for state public office

What candidates should know about Wisconsin's lobbying law

This Guideline is provided as an information resource only. For authoritative advice, contact the Wisconsin Ethics Commission.

Wisconsin's lobbying law applies to all candidates for elective state office. The lobbying law permits candidates to receive contributions from lobbyists but places restrictions on when a *partisan* elected state official or candidate for *partisan* elected state office may solicit or accept such a campaign contribution. The lobbying law also restricts a candidate's acceptance of other items or services from a lobbyist or an organization that employs a lobbyist.

"Candidate" means an individual about whom any of the following applies:

(a) The individual takes any of the following affirmative actions to seek nomination or election to a state or local office:

1. Files nomination papers with the appropriate filing officer.
2. Is nominated as a candidate for state or local office by a caucus under s. [8.05 \(1\)](#) or by a political party and the nomination is certified to the appropriate filing officer.
3. Receives a contribution, makes a disbursement, or gives consent for another person to receive a contribution or make a disbursement in order to bring about the individual's nomination or election to a state or local office.

(b) The individual holds a state or local office and is the subject of a recall petition.

(c) The individual holds a state or local office.

[§§11.0101(1) and 13.62 (5g)].

Partisan state offices are those of governor, lieutenant governor, secretary of state, state treasurer, attorney general, state senator, and state representative to the assembly. [§13.62(11p)].

CAMPAIGN CONTRIBUTIONS

CONTRIBUTIONS FROM A LOBBYIST. A partisan state elected official running for any office, or a candidate for a partisan elected state office, may solicit and accept a campaign contribution from a lobbyist or an organization that employs a lobbyist **ONLY WHEN** the contribution is made between the first date to circulate nomination papers and the date of the election in the year of the candidate's election **AND**, in the case of a candidate for election to the Legislature or a current legislator; the Legislature has concluded its final floor period and is not in special or extraordinary session.

SERVICES FROM A LOBBYIST. A lobbyist may, at any time, furnish uncompensated personal services (e.g., distributing yard signs, stuffing envelopes, going door-to-door and bookkeeping *provided the lobbyist does not charge a fee to others for similar work*) to any candidate. A lobbyist may not, at any time, provide a candidate for any state office with professional services for which the lobbyist would normally charge a fee, such as legal, accounting, consulting, or computer services.

A lobbyist may host a fundraiser for any candidate at a private residence but may not, at any time, pay for invitations to the event, or provide food or beverages at such a fundraiser for a partisan state elected official running for any office, or a candidate for a partisan elected state office. Per *Wis. Stat.*

§11.0101, these expenses are not contributions, but since they do have pecuniary value, they would be banned under *Wis. Stat.* §13.625(1)(b) 3.

A lobbyist may endorse a candidate or be listed as a sponsor of a fundraising event at any time.

CONTRIBUTIONS FROM A PAC

A candidate may accept a PAC contribution at any time, even from a PAC controlled by an organization that employs a lobbyist

CANDIDATE'S SOLICITATION OF CONTRIBUTIONS

A partisan state elected official running for any office, or a candidate for a partisan elected state office, may solicit a lobbyist or an organization that employs a lobbyist to furnish a campaign contribution only during the period during which the candidate may accept a contribution from a lobbyist, but may solicit a lobbyist to arrange for a PAC or conduit to furnish a contribution at any time.

CANDIDATE'S BUSINESS RELATIONSHIP WITH ORGANIZATION THAT LOBBIES

EMPLOYEE DURING THE CAMPAIGN. In spite of the general rule that an organization that employs a lobbyist may not furnish anything of pecuniary value to a candidate for state office, an organization may pay salary, wages and employee benefits to a candidate for an elective state office who does not yet hold the office if (1) the employee is neither an official of a state agency nor a legislative employee, and (2) the organization or employee can demonstrate by clear and convincing evidence that the employment, compensation, and employee benefits are unrelated to the candidacy.*

EMPLOYEE AFTER ELECTION. Having been elected to a state government position, a successful candidate may not, after assuming office, continue to receive compensation (including commissions or fees for sale of goods or services) or employee benefits from an employer that employs a lobbyist.

BUSINESS RELATIONSHIPS WITH LOBBYISTS AND THE ORGANIZATIONS THAT EMPLOY THEM. LOBBYISTS: As a general rule, neither a candidate for election to a state public office nor an individual elected to state public office may purchase or otherwise accept from a lobbyist food, drink, transportation, lodging, compensation or other payment (even for goods or services purchased from the candidate or official), services of the type for which the lobbyist would normally charge (e.g., legal counsel or accounting), goods, or any other thing of pecuniary value.

LOBBYING PRINCIPAL. As a general rule, neither a candidate for election to a state public office nor an individual elected to state public office, may accept from an organization that employs a lobbyist food, drink, transportation, lodging, compensation or other payment (even for goods or services purchased from the candidate or official), goods, or any other thing of pecuniary value other than items or services which it makes available to the general public on the same terms and conditions.

Legal references: §13.625, *Wisconsin Statutes*; 1997 Wis Eth Bd 8; 2004 Wis Eth Bd 03; 2005 Wis Eth Bd 08

* If the organization employed the candidate prior to the first day of the 12th month commencing before the deadline for the filing of nomination papers for the office sought and the employment continues uninterrupted, without augmentation of compensation or employee benefits, except as provided by preexisting employment agreement, it is rebuttably presumed that the employment and compensation and benefits paid are unrelated to the candidacy.